THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P. No.32000 of 1997

DATED: 31.10.2007

Between:-

Ch.Saradhi Babu.

... PETITIONER

AND

A.P.State Seeds Development Corporation Limited rep. By its Managing Director, HACA Bhavan, Hyderabad.

...

RESPONDENTS

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No. 32000 of 1997

O R D E R:

Aggrieved by the order of the first respondent dated 25-11-1997 terminating the services of the petitioner and rejecting his request for regularization, the present writ petition is filed.

The petitioner had earlier invoked the jurisdiction of this Court by way of W.P.No.14740 of 1995 and batch, which was disposed of by order dated 23-07-1997 directing that his case be considered as per G.O.Ms.No.212 dated 22-04-1994. The petitioner's request for regularization in terms of G.O.Ms.No.212 dated 22-04-1994 was considered and the first respondent, vide proceedings dated 25-11-1997, rejected his request on two grounds viz. that he had not worked for a period of 5 years as on 25-11-1993 and that there were no vacancies in the category of Shift Operator.

Sri S.Ranga Reddy, learned counsel for the petitioner, would contend that, in view of the judgment of the Division Bench of this Court in W.A.No.1041 of 1996 dated 06-08-1996, the five years service required to be completed is not prior to 25-11-1993 and it would suffice if the petitioner was working as on 25-11-1993 and has completed 5 years on the date when he seeks regularization. According to the learned counsel, even if the said five year period spills over beyond 25-11-1993, his case must be considered for regularisation.

In this case the petitioner is said to have been appointed in 1991 and had not completed five years of service as on

25-11-1993. It is however unnecessary to examine whether the five years required to be put in is prior to 25-11-1993 or not, since the petitioner's case was also rejected on the ground that there were no vacancies in the category of Shift Operator.

In the counter affidavit filed on behalf of the respondents, it is stated that the Corporation had only one vacancy of shift operator and in that vacancy a daily wage candidate Sri Sk.Baba, who fulfilled the conditions stipulated in G.O.Ms.No.212 dated 22-04-1994, had been appointed after due consideration of his case.

This categorical averment has not been disputed by the petitioner. Among the several conditions stipulated in G.O.Ms.No.212 dated 22-04-1994, is that there should be a vacancy available for considering the eligible candidates for the post. Since, admittedly, there was no vacancy of shift operator to which post the petitioner claims regularization, the order of the fist respondent dated 25-11-1997 cannot be faulted.

The Writ Petition fails and is accordingly dismissed. However, in the circumstances, without costs.

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31.10.2007

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